

### REMARKS

Claims 1-5 and 7-23 are pending in the application and are presented for the Examiner's review and consideration. In this Response, claims 1, 7, 8, and 15 have been amended; and claim 6 has been cancelled. Applicants believe that the claim amendments, cancellations, and the accompanying remarks serve to clarify the present invention and are independent of patentability. Accordingly, Applicants respectfully submit that they do not limit the range of any permissible equivalents.

#### Non-Compliant Amendment

The amendment document filed on October 30, 2006 was considered non-compliant because it failed to meet the requirements of 37 CFR 1.121 or 1.4. Specifically, in the amendment to the claims, claims 7 and 8 depend from cancelled claim 6. Accordingly, Applicants have amended claims 7 and 8 to depend from claim 1.

In light of the forgoing, Applicants submit that the amendments meet requirements of 37 CFR 1.121 and 1.4

#### Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Applicant: Bonutti et al.  
Application No.: 10/760,598  
Examiner: M. Brown

No fee is believed due. However, please charge any additional fees (or credit any overpayment of fees) to the Deposit Account of the undersigned, Account No. 503410 (Docket No. 780-A04-006-3).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P.D. Bianco", with a long horizontal flourish extending to the right.

Paul D. Bianco, Reg. # 43,500

Customer Number: 33771  
Paul D. Bianco  
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO  
21355 East Dixie Highway, Suite 115  
Miami, Florida 33120  
Tel: 305-830-2600; Fax: 305-830-2605  
e-mail: [pbianco@focusonip.com](mailto:pbianco@focusonip.com)